



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JULY 07, 2023

IN THE MATTER OF:

Appeal Board No. 629579

PRESENT: GERALDINE A. REILLY, MEMBER

The Department of Labor issued the initial determination holding the claimant not entitled to receive benefits, effective November 21, 2022, on the basis that he was unable to file a valid original claim pursuant to Labor Law §§

527(1)(2) because the claimant did not work or have remuneration in two or more calendar quarters and his total basic base period and alternate base period earnings do not equal at least one and one-half times his high quarter earnings. The claimant requested a hearing.

The Administrative Law Judge held a hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There was an appearance by the claimant. By decision filed May 22, 2023 (A.L.J. Case No.), the Administrative Law Judge sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant filed a claim for benefits effective November 21, 2022, establishing a basic base period of July 1, 2021 through June 30, 2022 and an alternate base period of October 1, 2021 through September 30, 2022. The claimant was paid \$5,308.55 in remuneration during the second calendar quarter of 2022. He was not paid remuneration in any other calendar quarter during either the basic base period or the alternate base period.

OPINION: The credible evidence establishes that the claimant was not paid

sufficient remuneration in either his basic base period or alternate base period to establish a valid claim for benefits. He does not dispute that he was paid remuneration in the amount of \$5,308.55 in the second calendar quarter of 2022 only. As the claimant did not work or have remuneration in at least two calendar quarters and does not have total base period earnings that equal at least one and one-half times his high quarter earnings in either base periods, he does not qualify for benefits at this time. Accordingly, the initial determination must be sustained.

DECISION: The decision of the Administrative Law Judge is affirmed.

The initial determination is sustained.

The claimant is denied benefits with respect to the issues decided herein.

GERALDINE A. REILLY, MEMBER